

The Amendment and Response is filed in reply to an Office Action made final and mailed June 14, 2006, that established a three-month shortened statutory time period to respond. Applicants submit that this response is timely filed.

In view of the following remarks and arguments provided herein, Applicants respectfully request entry of this Amendment believed necessary to bring prosecution to a speedy conclusion and to deal justly by Applicants and the public. Applicants believe the Amendment provided herewith defines their invention in claims that will give them patent protection to which they are justly entitled. This Amendment does not require an additional search on the part of the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections and request allowance of claims pending in their Application.

In response to the Office Action, please reconsider the above-identified Application as provided in:

Amendments to the Claims that begin on page 3;

Remarks that begin on page 5; and

Conclusion that begins on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the Application:

1. (Currently amended) A building material, comprising:
a plurality of synthetic microspheres having an average particle diameter of between about 30 to 1,000 microns, said synthetic microspheres comprising an aluminosilicate material further comprising about 30-85% silicon oxide, about 6 to 40 wt.% aluminum oxide, not less than about 5.2 wt. % to about 30 wt. % calcium oxide, between about 4 to 10 wt.% sodium oxide, less than about 2 wt.% potassium oxide, wherein the microspheres have an alkali metal oxide content of less than about 10 wt.% based on the weight of the microspheres, and wherein the synthetic microspheres are substantially chemically inert.
2. (Previously presented) The building material of claim 1, further comprising a cementitious matrix.
3. (Previously presented) The building material of claim 2, wherein the synthetic microspheres are substantially chemical inert when in contact with the cementitious matrix.
4. (Canceled)
5. (Previously presented) The building material of claim 4, wherein the synthetic microspheres comprise at least one synthetically formed cavity that is substantially enclosed by an outer shell.
6. (Previously presented) The building material of claim 5, wherein the at least one cavity comprises about 30-95% of the aggregate volume of the microsphere.

7. (Previously presented) The building material of claim 2, further comprising one or more fibers in the cementitious matrix.

8. (Previously presented) The building material of claim 7, wherein at least some of the fibers are cellulose fibers.

9. (Previously presented) The building material of claim 1, further comprising a hydraulic binder.

10. (Previously presented) The building material of claim 1, wherein the synthetic microspheres comprise an aluminosilicate material.

11. (Previously presented) The building material of claim 1, further comprising cenospheres derived from coal combustion wherein the average particle diameter of the cenospheres derived from coal combustion is substantially equal to the average particle size of the synthetic microspheres.

12. (Previously presented) The building material of claim 1, wherein the building material is used as a pillar.

13. (Previously presented) The building material of claim 1, wherein the building material is used as a roofing tile

14. (Previously presented) The building material of claim 1, wherein the building material is used as a siding.

15. (Previously presented) The building material of claim 1, wherein the building material is used as a wall.

16. (Canceled)